

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FOOD LION, LLC, and MARYLAND	)	
AND VIRGINIA MILK PRODUCERS	)	
COOPERATIVE ASSOCIATION, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:20CV442
	)	
DAIRY FARMERS OF AMERICA, INC.,	)	
	)	
Defendant.	)	

**ORDER**

The Parties in this antitrust case for injunctive relief seek to modify their previously agreed upon schedule. (Docket Entry 67). The modification will extend all deadlines for a period of sixty (60) days to permit the parties to engage in discussions concerning a potential resolution of the claims in this litigation.

In their Motion, the Parties describe the ongoing discovery that has occurred in this matter, their diligence in pursuing discovery, that the Parties are actively engaged in discussions concerning a potential resolution of these claims in this litigation, and that the Parties believe that a sixty (60) day period in which discovery and ongoing litigation is stayed is necessary to permit full and unfettered discussions.

The Court finds that there is good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the discovery and briefing schedule entered on October 6, 2020 (Docket Entry 67) and the Mediation Scheduling Order entered on November 6, 2020 and hold in abeyance all

pending motions and suspend briefing on all pending motions. The Parties are encouraged to make efficient use of this two-month stay. The Court is likely to scrutinize further requests for stays or extensions very carefully.

**IT IS HEREBY ORDERED** that the Motion (Docket Entry 127) is **GRANTED** and that the following deadlines and schedule shall apply in this matter:


1. All discovery and ongoing litigation is stayed for a period of sixty (60) days, and all deadlines approved by this Court's Order of October 6, 2020 (Docket Entry 67) are hereby modified and extended for a period of sixty (60) days.

2. The Court shall hold in abeyance all pending motions and suspend briefing on all motions for a period of sixty (60) days. For clarity, the pending Motions are as follows:

- a. Docket Entry 80 - Motion to Deem Requests for Admission Admitted by Dairy Farmers of America, Inc. *(fully briefed and referred on 11/20/2020)*
- b. Docket Entry 85 – Plaintiffs' Motion to Compel Defendant DFA to Extract and Review Documents Responsive to Search Terms. *(fully briefed and referred on 11/20/2020)*
- c. Docket Entry 88 - Plaintiffs' Motion to Compel Documents Responsive to Plaintiffs' First, Second, and Third Requests for Production. *(fully briefed and referred on 11/20/2020)*
- d. Docket Entry 91 – Plaintiffs' Motion to Compel Defendant to Produce Responsive Documents from Eight Additional Custodians and Request for Expedited Consideration. *(fully briefed and referred on 11/20/2020)*

- e. Docket Entry 109 - Dairy Farmers of America, Inc.'s Motion for Leave to File Surreply (*fully briefed and referred on 12/2/2020*)
  - f. Docket Entry 112 - Motion to Compel Compliance with Subpoena Duces Tecum by Dairy Farmers of America, Inc. (*Reply brief was due by 12/24/2020, now held in abeyance*)
  - g. Docket Entry 120 - Dairy Farmers of America, Inc.'s Motion to Compel Plaintiffs to Provide Complete Responses to 13 Interrogatories (*Response to Motion was due by 12/21/2020, now held in abeyance*)
3. The current deadline to conduct formal mediation is extended to and including February 23, 2021; and

In all other respects, this Court's previously Stipulated Discovery and Briefing Schedule/Order (Docket Entry 67) shall remain in full force and effect.

  
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Joe L. Webster  
United States Magistrate Judge

December 18, 2020  
Durham, North Carolina